

REQUEST FOR RECONSIDERATION
U.S. Application No. 09/425,617

being unpatentable over Silverbrook in view of Cullen, Oka and Douglas (U.S. Patent No. 5,946,031). Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverbrook in view of Cullen, Oka and Suzuki (U.S. Patent No. 5,847,836). Applicant respectfully traverses the claim rejections.

In the Request for Reconsideration filed August 23, 2004, Applicant argued that independent claim 1 should be allowable over the combination of Silverbrook, Cullen and Oka because the cited references do not teach or suggest do not disclose that the position of the human subject is automatically designated by the selected type of identification photograph and stored in an internal memory, as required by claim 1. In particular, Oka, which the Examiner cites for allegedly disclosing these claimed features, simply discloses processing the image data to produce a desired picture size (i.e., resizing the image data to passport size or visa size), whereas the position of the human subject is controlled by the orientation of the camera and the seated position of the human subject within the photo booth.

In response, the Examiner states that the arguments for patentability are not persuasive because Oka allegedly discloses:

after shooting the image, the CPU (421, see Figure 35 and Col. 14, lines 61-64) automatically editing the image data (See Col. 13, lines 58-61), such as the size and position of the human subject (e.g., in Figure 34, the size and position of the human subject of passport are different from the size and position of the human subject of the Visa, i.e., the passport cutline marking 424 starts in difference position compared with Visa cutline marking 424) and a picture frame size (a passport size 45mm x 35mm and a visa [size] 50mm x 50mm), designated by the selected type of identification photograph, and the size and position of the human

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subject and the picture frame size (e.g., the patterns 420 for passport, visa or any type of identification photograph, see Col. 16, lines 1-3) are stored in an internal memory (e.g., microcomputer 415 has a internal memory inherently and can stores the patterns 420 for passport, visa or any type of identification photograph in order the CPU 421 automatically processing the image data corresponding to the selected type of identification photograph).¹

Applicant respectfully submits that the Examiner's position with regard to the teachings of Oka is incorrect. In particular, Applicant respectfully submits that it is quite clear that Oka does not teach or suggest automatically designating the position of the human subject based on the selected type of identification photograph. Instead, Oka only discloses editing/changing the size of the image data of the entire photograph base on the selected type of the identification photograph.

As shown in Fig. 33, Oka discloses an automatic photographic processor apparatus 401 including a booth 402 divided by a partition 403 into two spaces, a machine room 404 and a shooting room 405. The shooting room 405 is provided with a stool 412, a back rest 433, and button-switch controls (not shown) so that a person 411 (who wants identification photos) faces directly a video camera 413 disposed in the machine room behind a window 407 of the partition 403 when seated on the stool 412. The video camera 413 takes an image of the person 411 seated on the stool 412 through a half mirror (not shown) and resultant captured image is displayed in real time on a visual display terminal (VDT) 414. If the displayed image is accepted by the person, it is transferred as the image data having a size of 64 mm x 48 mm to a CPU 421 of a

¹ December 21, 2004 Office Action at pages 2 and 3.

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microcomputer 415 processes the image data to produce a specified size (e.g, passport or visa) for printing.

If the specified size is passport size (i.e., 45 mm x 35 mm), the image data of 64 mm x 48 mm is scaled down in the CPU 421 by reducing 48 mm width to 35 mm. When the 48 mm width of the image data is reduced to 35 mm, the length of reduced image changes to 46.6 mm. Then, the 46.6 mm width is trimmed by 0.8 mm on both sides to reduce the width to 45 mm. Similarly, if the specified size is visa size (i.e., 50 mm x 50 mm), the image data of 64 mm x 48 mm is scaled up in the CPU 421 to 50 mm which causes the length to change 66.6 mm. The 66.6 mm length is then trimmed by 8.3 mm on both sides to reduce the width to 50 mm. See Figs. 33-36 and column 14, line 11 - column 15, line 15.

Accordingly, Oka's operations of changing the size of the image data based on the specified size of the photograph to be printed do not automatically designate the position of the human subject based on the selected type of identification photograph, as required by the claims. That is, the position of the human subject remains constant regardless of any change in size of the image data.

Further, as discussed in the August 23, 2004 Request for Reconsideration, neither Silverbrook nor Cullen discloses that the position of the human subject is automatically designated by the selected type of identification photograph and stored in an internal memory. That is, Silverbrook discloses a camera including a removable card which functions as a user interface for manipulating and enhancing images captured by the camera without providing any details directed to passport photography or designating a position of a human subject. Cullen

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simply discloses an apparatus and method for cropping an image to remove portions of the image which contain relatively little detail (i.e., cropping an image of a person's face to remove the background).

Accordingly, Applicant respectfully submits that independent claim 1, as well as dependent claims 2-4 and 7-11 should be allowable over Silverbrook, Cullen and Oka because the combined references do not teach or suggest all of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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